

Attorney Debt Reset, Inc.

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Attorneys for Debtors/Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

2011 MAY 12 PM 3:05
CLERK U.S. DIST. CT. COURT
CENTRAL DISTRICT OF CALIF.
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CV**11 - 04096 VBF**

(OPX)

JEFF SAWYERS, & CHRISTINE

SAWYERS,

COMPLAINTJURY TRIAL DEMANDED

Plaintiff(s),

v.

DYNAMIC RECOVERY SERVICES, INC.

Defendant(s).

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d), and pursuant to 28 U.S.C. § 1367 for pendent state law claims.

2. This action arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), and the California RFDCPA, California Civil Code § 1788-1788.32 (hereinafter "RFDCPA"); and various common law tort claims.

3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

PARTIES

4. Plaintiffs JEFF SAWYERS & CHRISTINE SAWYERS (hereinafter "Plaintiff") is/are a natural person(s) who resides in the City of Rancho Cucamonga, County of San Bernadino, State of California, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3) and/or a person with standing to bring a claim under the FDCPA by virtue of being directly affected by a violation of the Act.

5. Plaintiff is informed and believes, and thereon alleges that Defendant DYNAMIC RECOVERY SERVICES, INC (hereinafter "Defendant"), is a corporation with a principal business address of 4101 McEwen Rd. Suite 150 Farmers Branch, Texas 75244, and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

6. Plaintiff is informed and believes, and thereon alleges, that Defendant(s) is/are persons who use an instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is/are "debt collectors" as that term is defined by 15 U.S.C. § 1692a(6).

7. Plaintiff is informed and believes, and thereon alleges, that Defendant is not an attorney or counselor at law and is a person who, in the ordinary course of business, regularly, on behalf of himself or herself or others, engages in debt collection as that term is defined by Cal. Civ.

1 Code §1788.2 (b), and is a “debt collector” as that term is defined by California Civil Code §
2 1788.2 (c).

3 8. This case involves money property or their equivalent, due or owing or alleged to be due or
4 owing from a natural person by reason of a consumer transaction. As such, this action arises
5 out of a “consumer debt” and “consumer credit” as those terms are defined by Cal. Civ.
6 Code § 1788.2(f). These financial obligations were primarily for personal, family or
7 household purposes and are therefore “debt(s)” as that term is defined by 15 U.S.C.
8 §1692a(5).

9 9. Unless otherwise indicated, the use of any defendant’s name in this Complaint includes all
10 agents, employees, officers, members, directors, heirs, successors, assigns, principals,
11 trustees, sureties, subrogees, representatives, and insurers of that defendant named. All
12 allegations are made on information and belief, except those allegations that pertain to the
13 named Plaintiff, or to their attorneys, which are alleged on personal knowledge.
14

15 **FACTUAL ALLEGATIONS**

16 10. Sometime before March 2011 Plaintiff JEFF SAWYERS allegedly incurred a financial
17 obligation that was primarily for personal, family or household purposes, namely, an
18 alleged obligation to WACHOVIA / WELLS FARGO, N.A., said debt was later “charged
19 off” and assigned/sold/consigned to Defendant for collection.

20 11. Defendant began its collection activity upon Plaintiff on or about March 31 of 2011.

21 12. On or about March 31, 2011 Plaintiff Christine Sawyers was contacted by an
22 agent/representative of Defendant named ‘Mark Russell’ on her personal cell phone. Mr.
23 Russell left a message including mentioning a ‘civil filing number’ and also indicated that
24 he had spoke with ‘Ellie Dishaw’ (Plaintiff’s mother in law), saying “I know I can reach
25

1 you in person at the Kentfield address, and this is in regards to an urgent matter regarding
2 your husband.' (Kentfield address is the address of a rental property which belongs to
3 Plaintiff's mother in law).

4 13. Defendant's indicating a 'civil filing number' in the message left for Plaintiff implied that
5 a lawsuit has been filed against Plaintiff (or Plaintiff's Husband) and/or gave the false
6 impression that Defendant had filed a lawsuit or was somehow involved with the legal
7 system amounts to a violation of the FDCPA, including, but not limited to 15 U.S.C. §§
8 1692e (3); 1692(f).

9 14. Because Defendant's acts violate certain provisions of 15 U.S.C. §1692 they also amount
10 to violations of the RFDCPA including, but not limited to, Cal. Civ. Code § 1788.17.

11 15. Plaintiff Christine Sawyers then called back the number left by Mr. Russell, concerned
12 and upset after the message left by Mr. Russell. Mr. Russell answered at his extension and
13 blurted, "I know your husband works for the railroad, I know where you live, if you don't
14 cooperate were going to garnish your wages."

15 16. Defendant's threatening to garnish wages, an action only available to those with a valid
16 legal judgment, amounts to a threat to take an action Defendant could not legally take, as
17 well as an attempt to collect on a debt the natural consequence of which is to harass,
18 oppress, or abuse any person in connection with the collection of a debt and amount to
19 violations of the FDCPA including but not limited to, 15 U.S.C. § 1692(d) and (e).

20 21. Because Defendant's acts violate certain provisions of 15 U.S.C. §1692 they also amount
21 to violations of the RFDCPA including, but not limited to, Cal. Civ. Code § 1788.17.

22 18. On or about March 31, 2011, Defendant's agent/employee Mark Russell contacted
23 Plaintiff's mother in law, Ellie Dishaw, on a Mexican phone number and divulges
24
25

1 personal financial information of Plaintiff Jeff Sawyers to Ellie Dishaw. Mr. Russell told
2 Plaintiff's mother-in-law that Plaintiff Jeff Sawyers owed money and that he must pay in
3 an apparent attempt at locating, defaming and embarrassing Plaintiff.

4 19. Defendant's unauthorized communication with Ellie Dishaw and revelation that Plaintiff
5 Jeff Sawyers owed a debt without Plaintiffs' express authorization amounts to the
6 revelation of the fact that Plaintiff owed a debt and a violation of the FDCPA, including
7 but not limited to, 15 U.S.C. § 1692(b)(2). The revelation of this private financial
8 information also amounts to an intentional invasion of Plaintiff's privacy.

9 20. Because Defendant's acts violate certain provisions of 15 U.S.C. §1692 they also amount
10 to violations of the RFDCPA including, but not limited to, Cal. Civ. Code § 1788.17.

11 21. On or about March 31, 2011, Defendant's agent 'Mark Russell' is also believed to have
12 submitted a letter to the original creditor containing false and/or misleading information
13 about both Plaintiffs, including a slanderous and completely fabricated story indicating
14 that Plaintiffs were going through a divorce, that Plaintiffs' 16 month old son had just
15 underwent brain surgery, that Plaintiff Jeff Sawyers worked part-time delivering pizza,
16 and that Plaintiff Christine Sawyers was living with Ellie Dishaw. This letter submitted to
17 the original creditor is believed to have been fabricated in an attempt to somehow
18 convince the original creditor that a lower-amount should be accepted for a potential
19 settlement of this debt.
20

21 22. The submission of this letter amounts to an unfair and unconscionable means of
22 collecting on a debt and a violation of the FDCPA, including but not limited to 15 U.S.C.
23 § 1692f. This fabrication also amounts to an invasion of Plaintiff's right to privacy and
24 seclusion.
25

23. Because Defendant's acts violate certain provisions of 15 U.S.C. §1692 they also amount to violations of the RFDCPA including, but not limited to, Cal. Civ. Code § 1788.17.

24. On or about April 4, 2011, Plaintiff Christine Sawyers telephoned Defendant and requested to speak with Mr. Mark Russell only to learn that he was "no longer gainfully employed" with Defendant and was transferred to another agent of Defendant named 'Jason Tillman' at extension 2293.

25. Defendant's agent Mr. Jason Tillman answered and initially asked for "Ellie," to which Plaintiff Christine Sawyers responded "No, this is Christine." Mr. Tillman then put Plaintiff on hold, and came back on yelling at Plaintiff saying "I'm not your ex-husband, I don't have to deal with you!" and hung up on Plaintiff. Confused, and believing Mr. Tillman was unsure about who he was speaking to, Plaintiff called back and requested to speak with a manager. Plaintiff was then transferred back to Mr. Tillman who indicated that he himself was the manager/supervisor. Mr. Tillman then said "We can just garnish your wages, I know your 16 month old son just had brain surgery on an inoperable tumor, and I know you're getting a divorce and are living with your mother in law." Taken aback, and shocked that Mr. Tillman would know that she even had a young son, Plaintiff asked Mr. Tillman where he got this information. Mr. Tillman responded "It's all in a letter that was submitted to the bank." (See above for letter submitted by Mark Russell). Plaintiff Christine Sawyers, a wife and mother proud of her family name had been reduced to tears upon learning that Defendant knew about her life and had fabricated stories about her and her family in its attempts to collect on a debt.

26. Mr. Tillman's threat that he could garnish Plaintiffs' wages amounts to a violation of the FDCPA by threatening to take an action which could not presently be legally taken and a

1 violation of 15 U.S.C. § 1692e. Further, using the fabricated information in an attempt to
2 collect a debt from Plaintiff amounts to an unfair or unconscionable means to collect or to
3 attempt to collect on a debt and is conduct the natural consequence of which is to harass,
4 oppress, or abuse Plaintiff in the collection of a debt and a violation of the FDCPA
5 including but not limited to 15 U.S.C. §§ 1692d and 1692f.

6 27. Because Defendant's acts violate certain provisions of 15 U.S.C. §1692 they also amount
7 to violations of the RFDCPA including, but not limited to, Cal. Civ. Code § 1788.17.

8 28. Defendant's above-mentioned revelation of family details and confirmation that a letter
9 with the slanderous information had been submitted to the bank also amounts to the an
10 invasion of Plaintiff's privacy, as well as the intentional and/or negligent infliction of
11 emotional distress. Plaintiff's emotional distress was compounded by the fact that her son
12 had recently had surgery (although not brain surgery).

13 29. Distraught, confused, concerned and emotionally wrecked Plaintiff then asked Mr.
14 Tillman for his company's physical address, and was denied. After pressing Mr. Tillman
15 he eventually said to Plaintiff Christine Sawyers "What, are you going drive to Dallas
16 Texas?" and still refused to give any information about his company.

17 30. Defendant's agent Mr. Tillman's refusal to disclose information about Defendant's place
18 of business including a physical or mailing address as well as his flippant remarks in
19 regards to his actual location amounts to an unfair or unconscionable attempt to collect on
20 a debt and a violation of the FDCPA including but not limited to 15 U.S.C. § 1692f.

21 31. All of the aforementioned acts represent various and multiple violations of the FDCPA,
22 including but not limited to the above-cited provisions, and have caused Plaintiff
23 damages.
24
25

CAUSES OF ACTION

COUNT I

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. §§ 1692 et seq.

32. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

33. The foregoing acts and omissions constitute numerous and multiple violations of the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.

34. As a result of each and every violation of the FDCPA, Plaintiff is entitled to any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

COUNT II

VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

CALIFORNIA CIVIL CODE §§ 1788-1788.32

35. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

36. The foregoing acts and omissions constitute numerous and multiple violations of the RFDCPA.

37. As a result of each and every violation of the RFDCPA, Plaintiff is entitled to actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory damages for a knowing or willful violation in an amount up to \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b); and reasonable attorney's fees and costs pursuant to Cal. Civ. Code § 1788.30(c).

COUNT III**INVASION OF PRIVACY BY INTRUSION UPON SECLUSION AND BY
REVELATION OF PRIVATE FACTS TO THIRD PARTY**

38. Plaintiff incorporates by reference all of the paragraphs of this Complaint as though fully stated herein.

39. Congress explicitly recognized a consumer's inherent right to privacy in collection matters in passing the Fair Debt Collection Practices Act, when it stated as part of its findings:

Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the **loss of jobs**, and **to invasions of individual privacy**.

15 U.S.C. § 1692(a) (emphasis added).

40. Defendants and/or their agents intentionally and/or negligently interfered, physically or otherwise, with the solitude, seclusion and or private concerns or affairs of Plaintiff, namely, by revealing to Ellie Dishaw private financial information concerning Plaintiff and revealing that Plaintiff owed a debt and hasn't paid it

41. Defendants and/or their agents intentionally and/or negligently interfered, physically or otherwise, with the solitude, seclusion and or private concerns or affairs of Plaintiff, namely, by submitting a letter to Wells Fargo/Wachovia as described above revealing private facts concerning Plaintiffs' minor child and indicating that their marriage was coming to an end.

42. Defendants and their agents intentionally and/or negligently caused emotional harm to Plaintiff by engaging in highly offensive conduct in the course of collecting this debt, thereby invading and intruding upon Plaintiff's rights to privacy.

43. Plaintiff had a reasonable expectation of privacy in Plaintiff's solitude, seclusion, and private concerns or affairs.

44. The conduct of these Defendants and their agents, in engaging in the above-described illegal collection conduct against Plaintiff, resulted in multiple intrusions and invasions of privacy by these Defendants which occurred in a way that would be highly offensive to a reasonable person in that position.

45. As a result of such intrusions and invasions of privacy, Plaintiff is entitled to actual damages in an amount to be determined at trial from each and every Defendant.

COUNT IV

INTENTIONAL/RECKLESS INFLICTION OF EMOTIONAL DISTRESS

46. Plaintiff incorporates by reference all of the paragraphs of this Complaint as though fully stated herein.

47. The foregoing intentional and/or reckless and outrageous conduct of Defendant, fabricating stories about Plaintiffs' personal life and egregious methods of debt collection caused the emotional distress of the Plaintiff.

48. The Conduct of Defendant toward Plaintiff exceeds all bounds of decency usually tolerated by a civilized society.

49. As a direct and proximate result of the intentional, malicious, harmful, unlawful and offensive acts of Defendants, as aforesaid, Plaintiff sustained severe and serious injury to

1 their persons, including but not limited to severe emotional distress, all to Plaintiffs'
2 damage in a sum within the jurisdiction of this court and to be shown according to proof.
3 50. As a result of Defendant's conduct and resulting infliction of emotional distress, Plaintiff
4 is entitled to actual damages in an amount to be determined at trial from each of every
5 Defendant.

6 **COUNT V**

7 **LIBEL PER SE**

8 51. Plaintiff incorporates by reference all of the paragraphs of this complaint as though fully
9 stated herein.

10 52. The foregoing intentional, false and unprivileged publication by writing which exposed
11 Plaintiff to hatred, contempt, ridicule or disgrace amounts to libel *per se* and caused the
12 Plaintiff damages, namely Defendant's fabrication of Plaintiffs' minor child having
13 undergone brain surgery, that Plaintiffs' marriage was in a state of disrepair and that
14 Plaintiff Christine Sawyers was living with her mother in law.
15

16
17
18 **PRAYER FOR RELIEF**

19 **WHEREFORE**, Plaintiff respectfully prays that judgment be entered against Defendant, and
20 Plaintiff be awarded damages of *not less than \$175,000.00*, exclusive of fees and costs, as
21 follows:

22 **COUNT I**

23 **Violations of the Fair Debt Collection Practices Act**

24 **15 U.S.C. §§ 1692 et seq.**

25 ■ An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1).

- 1 ■ An award of statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. §
2 1692k(a)(2)(A).
- 3 ■ An award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. §
4 1692k(a)(3).
- 5 ■ Such other and further relief as may be deemed just and proper.

6 **COUNT II**

7 **Violations of the Rosenthal Fair Debt Collection Practices Act**

8 **California Civil Code §§ 1788-1788.32**

- 9 ■ An award of actual damages pursuant to Cal. Civ. Code § 1788.30(a).
- 10 ■ An award of statutory damages pursuant up to \$1,000.00 pursuant to Cal. Civ. Code §
11 1788.30(b).
- 12 ■ An award of costs of litigation and reasonable attorney's fees pursuant to Cal. Civ. Code §
13 1788.30(c).
- 14 ■ Such other and further relief as may be deemed just and proper.

15 **COUNT III**

16 **Violations of Plaintiff's Right to Privacy**

- 17 ■ An award of actual and punitive damages from each and every defendant for the emotional
18 distress suffered as a result of the intentional and/or negligent FDCPA violations, and
19 Rosenthal FDCPA violations and the intentional and/or negligent invasions of privacy in an
20 amount to be determined at trial for each Plaintiff, and
- 21 ■ For such other and further relief as may be just and proper.

23 **COUNT IV**

24 **Defendant's Intentional/Reckless Infliction of Emotional Distress**

- 1 ■ An award of actual and punitive damages for the severe emotional distress
- 2 intentionally/recklessly caused by Defendant and in an amount to be determined at trial
- 3 ■ For attorney fees under Welfare & Institutions Code § 15657(a); and
- 4 ■ Costs of suit and for such other and further relief as the court deems proper.

5 **COUNT V**

6 **Libel Per Se**

- 7 ■ An award of general and special damages for the false and published libel of Plaintiff and
- 8 committed by Defendant in an amount to be determined at trial and pursuant to Cal. Civ.
- 9 Code § 45a
- 10 ■ Costs of suit and for such other and further relief as the Court deems proper.

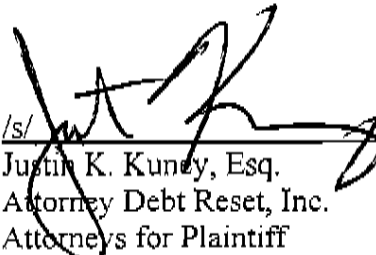
11 **TRIAL BY JURY**

- 12
- 13 ■ Pursuant to the seventh amendment of the Constitution of the United States of America,
- 14 Plaintiff is entitled to, and demands, a trial by jury.

15

16 Respectfully submitted,

17 Date: May 5, 2011

18 
19 /s/ Justin K. Kuncy, Esq.
20 Attorney Debt Reset, Inc.
21 Attorneys for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

CIVIL COVER SHEET

I(a) PLAINTIFFS

JEFF SAWYERS, & CHRISTINE SAWYERS.

DEFENDANTS

DYNAMIC RECOVERY SERVICES, INC.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF SBERNADIN
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)

(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)

Attorney Debt Resol. Inc.; Justin K. Kuney, SBN 249283
1300 Ethan Way, Ste. 125; Sacramento, CA 95825
Telephone: 916-446-1791

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify) _____
- ☐ 6 Multi-district Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

V. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 1/3,000Check YES only if demanded in complaint: JURY DEMAND: ☒ YES ☐ NO

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

15 USC 1692, ET SEQ; VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT (PENDANT STATE LAW CLAIMS)

VII. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)

OTHER STATUTES	CONTRACT	TORTS	FORFEITURE / PENALTY	BANKRUPTCY
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 28 USC 158
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 625 Drug Related Seizure of Property	<input type="checkbox"/> 423 Withdrawal
<input type="checkbox"/> 450 Commerce/ICC Rates/etc	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 21 USC 881	<input type="checkbox"/> 28 USC 157
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 630 Liquor Laws	PROPERTY RIGHTS
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 893 Environmental Matters			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 894 Energy Allocation Act	REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 895 Freedom of Information Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS
<input type="checkbox"/> 950 Constitutionalality of State Statutes	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare		<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights		
	<input type="checkbox"/> 290 All Other Real Property			
		PRISONER PETITIONS		
		<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus		
		<input type="checkbox"/> 530 General		
		<input type="checkbox"/> 535 Death Penalty		
		<input type="checkbox"/> 540 Mandamus/ Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☐ YES ☒ NO

If yes, list case number(s):

CV 11 - 04096 VBF (OP)

CV-71 (10/01)

CIVIL COVER SHEET

FOR OFFICE USE ONLY:

☐ Pro Hac Vice fee: ☐ paid☐ not paid

Applying IFP

Judge

Mag. Judge

MAY 12 2011

Page 1 of 2

CIVIL COVER SHEET
(Reverse Side)

AFTER COMPLETING THE FRONT SIDE OF FORM JS-44C, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☐ YES ☒ NO

If yes, list case number(s): _____

CIVIL CASES ARE DEEMED RELATED IF A PREVIOUSLY FILED CASE AND THE PRESENT CASE:

- (CHECK ALL BOXES THAT APPLY) ☐ A. Appear to arise from the same or substantially identical transactions, happenings, or events;
☐ B. Involve the same or substantially the same parties or property;
☐ C. Involve the same patent, trademark or copyright;
☐ D. Call for determination of the same or substantially identical questions of law, or
☐ E. Likely for other reasons may entail unnecessary duplication of labor if heard by different judges.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)
☐ CHECK HERE IF THE US GOVERNMENT, ITS AGENCIES OR EMPLOYEES IS A NAMED PLAINTIFF.

JEFF SAWYER, SAN BERNARDINO COUNTY
 CHRISTINE SAWYER, SAN BERNARDINO COUNTY

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

☐ CHECK HERE IF THE US GOVERNMENT, ITS AGENCIES OR EMPLOYEES IS A NAMED DEFENDANT.

DYNAMIC RECOVERY SERVICES, INC., TEXAS

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

NOTE: In land condemnation cases, use the location of the tract of land involved.

SAN BERNARDINO COUNTY

X. SIGNATURE OF ATTORNEY (OR PRO PER): X

Date 5-12-2011

NOTICE TO COUNSEL/PARTIES: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

NATURE OF SUIT CODE	ABBREVIATION	SUBSTANTIVE STATEMENT OF CAUSE OF ACTION
861	HLA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Jeff Sawyers, &
Christine Sawyers,
Plaintiff

v.

Dynamic Recovery Services, Inc.,
DefendantCV 11 - 04096
Civil Action No.

VBF (OPX)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Dynamic Recovery Services, Inc.
4101 McEwen Rd., Ste 150
Farmers Branch, TX 75244

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Attorney Debt Reset, Inc.
1300 Ethan Way #125
Sacramento, CA 95825

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

TERRY NAFISI

CLERK OF COURT

Date: _____

MAY 12 2011

L. NAFISI

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Valerie Baker Fairbank and the assigned discovery Magistrate Judge is Oswald Parada.

The case number on all documents filed with the Court should read as follows:

CV11- 4096 VBF (OPx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.